

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,)	
)	
Petitioner,)	
v.)	Civil Action
)	No. 12-3131-CV-S-RED-H
LINDA SANDERS, ¹ Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Petitioner, an inmate confined in the United States Medical Center for Federal Prisoners, petitions this Court for a writ of habeas pursuant to 28 U.S.C. § 2241. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner is entitled to no relief, it must be recommended that he be denied leave to proceed in forma pauperis.

As grounds for relief in habeas corpus, petitioner appears to challenge his commitment pursuant to 18 U.S.C. § 4246.

A review of the file and records in this case, as well as in United States v. Franklin, Case No. 90-3445-CV-S-RED, establish that petitioner has been lawfully committed to the custody of the Attorney General, pursuant to 18 U.S.C. § 4246. That commitment was affirmed by the Eighth Circuit Court of Appeals. United States v. Franklin, 04-3783. The United States has submitted annual reports, as required by statute. Other than vague and unsupported allegations, petitioner has

¹Linda Sanders, the current warden at the Medical Center, is the proper respondent.

failed to establish that his commitment is invalid. Accordingly, it will be recommended that he be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus relief be dismissed without prejudice.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 22 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition for habeas corpus relief be dismissed without prejudice.²

/s/ James C. England
JAMES C. ENGLAND
United States Magistrate
Judge

Date: 9/28/12

² Petitioner has 14 days to file exceptions to the Report and Recommendation of the United States Magistrate Judge.